

MINUTES  
TOWN OF FREDERICK  
PLANNING COMMISSION  
POLICE DEPARTMENT COURT ROOM  
September 21, 2010  
7:30 p.m.

Attendance: Chairman Jeff Roehrig, Commissioners Donna Hudziak, Donald Hard, Alan Blair and Alternate Commissioner Tracy Moe were present. Also present were Planning Director Jennifer Simmons and Assistant Town Attorney, Cyril Vidergar.

**ROLL CALL:** Chairman Roehrig called the regular meeting to order at 7:30p.m. Roll call was taken; all commissioners present except Commissioner John Loveless.

**ADDITIONS TO THE AGENDA:** There were no additions to the agenda.

**APPROVAL OF MINUTES FROM THE SEPTEMBER 7, 2010 MEETING:**

Commissioner Blair made a motion to table the approval the minutes from the September 7, 2010 meeting as they have not been completed as of yet by Nanette Fornof, Town Clerk. Commissioner Moe seconded the motion. All in favor, motion carried.

**TO CONSIDER A LAND USE CODE AMENDMENT TO ADD ARTICLE 15, DOWNTOWN REGULATIONS:**

Planning Director Simmons took a few minutes to explain to audience members what the Land Use Code Amendment and Zoning Amendment mean to them. Simmons then presented the staff report by stating that in accordance with the implementation recommendations for the Downtown Development Master Plan, Article 15, Downtown Regulations has been created to better create a Downtown environment favorable to business and residents alike

Article 15, Downtown Regulations, was crafted by Pacific Municipal Consultants (PMC) as a portion of the work completed for the Downtown Development Master Plan. Planning Staff worked with PMC to incorporate the draft regulations into the Land Use Code. Accordingly, other amendments will follow this amendment to incorporate definitions of terms found in Article 15 into Article 1 as well as to update the zoning matrix found in Article 3. These additional amendments will be completed as other updates are completed.

Planner Simmons went through the minor changes to Article 15 with the Commission.

Article 15 is a form based code rather than a convention zoning code. Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Section 4.7.9.b. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the text of this Code shall not be amended except:

- 1) To correct a manifest error in the text of this Code;
- 2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town Staff;
- 3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- 4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The proposed amendment provides for changes in administrative practices, and furthers the implementation of the goals and objectives of the Comprehensive Plan relating to quality growth.

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

Following the Planning commission meeting, a public hearing will be held October 12 before the Board of Trustees. Should the Trustees choose to adopt Article 15, it will be adopted by reference.

The planning Commission may consider recommending approval, denial or conditional approval. Staff recommends approval of the amendment as outlined in Resolution PCR-2010-09A.

Commissioner Hudziak made a motion to recommend approval of PCR-2010-009A, "A Resolution of the Planning Commission Recommending Approval of the Frederick Land Use Code Article 15, Downtown Regulations". Commissioner Blair seconded the motion. All in favor, motion carried.

#### **TO CONSIDER ZONING AMENDMENTS IN THE DOWNTOWN AND SURROUNDING AREA:**

Planning Director Simmons presented the staff report by stating that the Town of Frederick has initiated zoning amendments to implement the Downtown Development Plan recommendations.

The property involved in the zoning amendments is south of Majestic Street, north of Highway 52, and both east and west of Colorado Boulevard. Current zonings include Downtown Commercial, Neighborhood Commercial, Residential Low Density, Residential Medium Density, and Public. Surrounding land uses and zoning vary.

As a result of the Downtown Development Plan, recommendations were made to adopt regulations specific to the Downtown area that would apply to the areas zoned Downtown-A or Downtown-B. In order for the regulations to take effect, the areas identified in the Downtown Development plan must be rezoned to either Downtown-A or Downtown-B.

Subsequently, the old zoning designation of Downtown Commercial District will be eliminated and any property with this designation will require rezoning. There are four areas outside the original downtown that have agreed to have their zoning changed from Downtown Commercial to Community Commercial: (1) the property at the southwest corner of Majestic Street and Colorado Boulevard; (2) the property at the northeast corner of 1<sup>st</sup> Street and Johnson Street; (3) the property at the southwest corner of Colorado Boulevard and 5<sup>th</sup> Street; and (4) the property at the southeast corner of Main Street and 9<sup>th</sup> Street.

As a result of these subsequent changes, adjacent zonings were also looked at and there were two areas where we allowed property owners to request zoning amendments as well. The first area is adjacent to Colorado Boulevard, from Tipple Parkway on the south to Hurt Street on the north. The area encompasses the Tops Business Park and Halleck Subdivision and is currently zoned Neighborhood Commercial. This area is proposed to be zoned Community Commercial. The second area is just west of Colorado Boulevard on the Miner's Village property. The area is currently zoned Public as it was originally planned to be dedicated to the Town for a Community Park. It is currently part of the new high school site and the developer will not be required to dedicate it to the Town. It is proposed to be zoned R-1, Residential Low Density.

The review criteria for a zoning amendment are stated in Section 4.7.2. Those criteria are as follows:

- a) For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:
- 1) To correct a manifest error in an ordinance establishing the zoning for a specific property.
  - 2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally.
  - 3) The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Comprehensive Plan.
  - 4) The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan;
  - 5) The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or
  - 6) A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

The requested zoning amendments are the result of changed or changing conditions that are in the public's interest to encourage development and redevelopment of the area.

This project was properly noticed according to the requirements of Section 4.5.8 of the Frederick Land Use Code.

Planning Commission may recommend approval, denial or conditional approval. Staff requests that the Commission consider recommending approval of PCR-2010-010A.

Planner Simmons explained that the Catholic church property located at 5<sup>th</sup> Street and Walnut is zoned as Downtown-A. The property to the east is the School District which is zoned R-1. Commissioner Hudziak would like to see this property zoned Public.

Commissioner Blair made a motion to recommend approval of PCR-2010-010A "A Resolution of the Planning Commission Recommending Approval of the Zoning Amendments for Downtown and the Surrounding Area". Commissioner Hard seconded the motion. Commissioner Hudziak voiced an objection stating that she has an issue with the property at 1<sup>st</sup> Street and Johnson. She doesn't feel that it should be zoned Commercial and that this zoning does a disservice to adjacent property owners. Commissioners Blair, Hard and Moe and Chairman Roehrig voted yes. Commissioner Hudziak voted nay. Motion carried.

#### OTHER BUSINESS:

Planner Simmons announced that the next meeting of the Planning Commission will be on 19 October 2010.

Commissioner Blair made a motion that the meeting be adjourned.

With no further business to discuss, the meeting was adjourned at 8:10PM.

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Jeff Roehrig, Planning Commission Chairman

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Kathy Larson, Secretary